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12-03-2007

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT
Northern District of Illinois
(Chicago, IL)

Lili Xin Wang (formerly Lili Xin)

Plaintiff, Pro Se

vs.

Michael Chertoff, Secretary of the
Department of Homeland Security;
Emilio T. Gonzalez, Director U.S.
Citizenship and Immigration Services;
Ruth A. Dorochoff, Northern Illinois District
Director, U.S. Citizenship and Immigration
Services.

Robert S. Mueller, III, Director of the
Federal Bureau of Investigation

Defendants.

Case No.

**Petition For Hearing On
Naturalization Application
Under 8 U.S.C. §1447(b)**

07CV6770

JUDGE GRADY

MAGISTRATE JUDGE BROWN

COME NOW Lili Xin Wang, formerly known as Lili Xin, Plaintiff in the above-styled and
numbered cause, and for cause of action would show unto the Court the following:

1. This action is brought for a hearing to decide Plaintiff's naturalization application
before this Court pursuant to the Immigration and Nationality Act ("INA") §336(b), 8
U.S.C. § 1447(b) due to Defendants' failure to make a determination on Plaintiff's
application for naturalization within 120 days after the initial examination.

PARTIES

2. Plaintiff Lili Xin Wang (Alien Registration Number A# 078 682 978) is a lawful permanent resident of the United States since 05/07/03. She resides in Chicago, IL. Plaintiff applied for naturalization to the United States and was interviewed for her naturalization application on Feb 15, 2007. Defendants have failed to make a decision on the application within the 120 days after the examination.
3. Defendant Michael Chertoff is the Secretary of the Department of Homeland Security (DHS), and this action is brought against him in his official capacity. He is generally charged with the enforcement of the Immigration and Nationality Act, and is further authorized to delegate such powers and authority to subordinate employees of the DHS. 8 U.S.C. §1103(a); 8 C.F.R. §2.1.
4. Defendant Emilio T. Gonzalez is the Director of the United States Citizenship and Immigration Services (USCIS), an agency within the DHS to which the Secretary's authority has in part been delegated and is subject to the Secretary's supervision. Defendant Director is generally charged with the overall administration of immigration benefits and immigration services. 8 C.F.R. §100.2(a).
5. Defendant Ruth A. Dorochoff, Northern Illinois District Director, is an official of the USCIS generally charged with supervisory authority over all operations of the USCIS within the District with certain specific exceptions not relevant here. 8 C.F.R. §100.2(d)(2)(ii). As will be shown, Defendant Director is the official with whom Plaintiff's naturalization application remains pending.

- 1 6. Defendant Robert S. Mueller, III, is the Director of the Federal Bureau of
2 Investigation (FBI), the law enforcement agency that conducts security clearances for
3 other U.S. government agencies, such as the Department of State. As will be shown,
4 Defendant has failed to complete the security clearance on Plaintiff's case.
5

6 **JURISDICTION**

- 7
8 7. Jurisdiction in the case is proper under the INA §336(b) and 8 U.S.C. §1447(b). Relief
9 is requested pursuant to said statutes.

10 **VENUE**

- 11
12 8. Venue is proper in this court, pursuant to 8 U.S.C. §1447(b), in that the Plaintiff may
13 request a hearing on the matter in the District in which the Plaintiff resides.

14 **STATEMENT OF FACTS**

- 15 9. Plaintiff is a lawful permanent resident (A# 078 682 978) of the United States.
16 Plaintiff filed a N-400, Application for Naturalization with USCIS on March 17, 2006
17 and was interviewed by USCIS' Chicago office on February 15, 2007. Plaintiff
18 passed the English language, U.S. history, and U.S. government proficiency
19 examinations. **(Exhibit 1-2)**
20
21 10. Based on the letter dated on February 15, 2007 from USCIS' Chicago office, Plaintiff
22 was informed that action on her application would not proceed until completion of a
23 required security background investigation. **(Exhibit 3)**
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1 11. Over 120 days had passed since her interview for naturalization; however, plaintiff
2 had heard nothing back from USCIS. In July, 2007, a letter to USCIS' Chicago office
3 was sent to inquire the status of application, plaintiff was told that security check has
4 not completed yet. **(Exhibit 4)**

6 12. Plaintiff continued to inquire about the status of her application in Nov, 2007, and was
7 told that her 'name check' had been submitted to the FBI in April, 2006 and had
8 remained pending ever since.

10 13. Plaintiff's application for naturalization has now remained adjudicated for more
11 than 9 months from the date of interview.

13 14. Plaintiff has met all the eligibility requirements for naturalization. She has met the
14 residence, as well as physical presence requirement, is of good moral character, is
15 attached to the Constitution of the United States, and has passed the English, history
16 and government tests. Plaintiff has successfully completed the FBI fingerprint; She
17 has no criminal record. Yet, Plaintiff's application for naturalization is still pending.

19 15. Defendants have sufficient information to determine Plaintiff's eligibility pursuant to
20 applicable requirements.

22 16. Defendants, in violation of INA §336(b), 8 U.S.C. §1447(b), have failed to make a
23 determination on Plaintiff's naturalization application within the 120-day period after
24 the date of examination.
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PRAYER

17. WHEREFORE, in view of the arguments and authority noted herein, Plaintiff respectfully prays that the Defendants be cited to appear herein and that, upon due consideration, the Court enter an order adjudicating the naturalization application. In the alternative, the Court may remand requiring Defendants to immediately adjudicate Plaintiff's naturalization application.

Dated: December 3, 2007

Respectfully submitted,

Lili Xin Wang

Lili Xin Wang
Plaintiff, Pro Se
935 S. Oakley Blvd,
Chicago, IL 60612
(312) 455-0529

LIST OF ATTACHMENTS

Exhibits

Description

1. I-797 C with N400 receiving date on March 17, 2006
2. N-652 dated February 15, 2007
3. Decision on Application for Naturalization dated February 15, 2007
4. Letter inquiring application status dated on July 24, 2007



Receipt			NOTICE DATE April 03, 2006
CASE TYPE N400 Application For Naturalization			INS A# A 078 682 978
APPLICATION NUMBER LIN*000882728	RECEIVED DATE March 17, 2006	PRIORITY DATE March 17, 2006	PAGE 1 of 1

APPLICANT NAME AND MAILING ADDRESS

LILI XIN
935 S OAKLEY BLVD
CHICAGO IL 60612

PAYMENT INFORMATION:

Single Application Fee: \$400.00
Total Amount Received: \$400.00
Total Balance Due: \$0.00



The above application has been received by our office and is in process. Our records indicate your personal information is as follows:

Date of Birth: January 24, 1971
Address Where You Live: 935 S OAKLEY BLVD
CHICAGO IL 60612

Please verify your personal information listed above and immediately notify our office at the address or phone number listed below if there are any changes.

You will be notified of the date and place of your interview when you have been scheduled by the local INS office. You should expect to be notified within 540 days of this notice.

If you have any questions or comments regarding this notice or the status of your case, please contact our office at the below address or customer service number. You will be notified separately about any other cases you may have filed.

If you have other questions about possible immigration benefits and services, filing information, or INS forms, please call the INS National Customer Service Center (NCSC) at 1-800-375-5283. If you are hearing impaired, please call the NCSC TDD at 1-800-767-1833.

If you have access to the Internet, you can also visit INS at www.ins.usdoj.gov. Here you can find valuable information about forms and filing instructions, and about general immigration services and benefits. At present, this site does not provide case status information.

INS Office Address:
US IMMIGRATION AND NATURALIZATION SERVICE
PO BOX 87400
LINCOLN NE 68501-

INS Customer Service Number:
(800) 375-5283

APPLICANT COPY

LIN\$000830205



Department of Homeland Security
U.S. Citizenship and Immigration Services

Exhibit 2

N-652, Naturalization Interview Results

A#: 78682978

On 02/15/2007, you were interviewed by USCIS officer Oliwa

- ☒ You passed the tests of English and U.S. history and government.
- ☐ You passed the tests of U.S. history and government and the English language requirement was waived.
- ☐ USCIS has accepted your request for a Disability Exception. You are exempted from the requirement to demonstrate English language ability and/or a knowledge of U.S. history and government.
- ☐ You will be given another opportunity to be tested on your ability to _____ speak/ _____ read/ _____ write English.
- ☐ You will be given another opportunity to be tested on your knowledge of U.S. history and government.
- ☐ Please follow the instructions on Form N-14.
- ☐ USCIS will send you a written decision about your application.
- ☐ You did not pass the second and final test of your _____ English ability/ _____ knowledge of U.S. history and government. You will not be rescheduled for another interview for this Form N-400. USCIS will send you a written decision about your application.

A) **Congratulations! Your application has been recommended for approval.** At this time, it appears that you have established your eligibility for naturalization. If final approval is granted, you will be notified when and where to report for the Oath Ceremony.

B) ☒ **A decision cannot yet be made about your application.**

It is very important that you:

- ☒ Notify USCIS if you change your address.
- ☒ Come to any scheduled interview.
- ☒ Submit all requested documents.
- ☒ Send any questions about this application in writing to the officer named above. Include your full name, Alien Registration Number (A#), and a copy of this paper.
- ☒ Go to any Oath Ceremony that you are scheduled to attend.
- ☒ Notify USCIS as soon as possible in writing if you cannot come to any scheduled interview or Oath Ceremony. Include a copy of this paper and a copy of the scheduling notice.

NOTE: Please be advised that under section 336 of the Immigration and Nationality Act, you have the right to request a hearing before an immigration officer if your application is denied, or before the U.S. district court if USCIS has not made a determination on your application within 120 days of the date of your examination.

U.S. Department of Homeland Security
101 W Congress Pkwy
Chicago, Illinois 60605

Exhibit 3



U.S. Citizenship
and Immigration
Services

FEB 1 2007

Dear Applicant: 78682978

Although we have completed the interview on your application we cannot make a decision on your case because the required security checks are incomplete. Once the background investigation is completed we will make and inform you of our decision as quickly as possible.

We understand that you may be frustrated by this news. However, in order to fulfill its mission to provide immigration benefits and services to the public, USCIS must balance its obligations to the individual applicant against its obligations to the public as a whole. Consequently, we have adopted enhanced security check procedures.

Given the significance of immigration benefits and the number of applications submitted, it is inevitable that some applications will require more attention than others. Some factors that may lead to delays are the volume of record checks, the number of records to be checked and the processing of common names. For the vast majority of applicants, USCIS is able to quickly determine whether there is any criminal or security related eligibility issues. In the remaining cases, often referred to as "pending," a match of some kind has been identified and must be resolved before a decision can be made on the case. However, a match does not always lead to a denial of the application. USCIS does not share information regarding the specific nature of the match or the nature or status of any investigation with applicants or their representatives.

We remain committed to processing cases within a reasonable period of time. In some cases, however, unresolved security concerns will create delays. We ask for your patience in such cases, and in return we promise to continue to seek resolution as quickly as possible in each individual case.

Sincerely,

Ruth A. Dorochoff

Ruth A. Dorochoff
District Director

Exhibit C

Lili Xin MD and Zaijie Wang PhD
935 S Oakley Blvd
Chicago, IL 60612

July 24, 2007

Ruth A. Dorochoff
District Director
USCIS Chicago District Office
101 west Congress Parkway
Chicago, IL 60605

Re: Application # LIN*000882728
A078 682 978

Dear District Director:

I have sponsored my wife's N400 application. She was interviewed in your office on 15 February 2007 (see attached letter). Over 120 days have passed; however, we have not heard anything from USCIS. I am therefore writing to inquire the status of her application for naturalization. I would greatly appreciate if you might be able to provide some update.

Thank you very much.

Sincerely,

Zaijie Wang